



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 14

Agenda Date: May 11, 2023

In Control: City Council A Session

DEPARTMENT: Public Works Department

DEPARTMENT HEAD: Razi Hosseini

COUNCIL DISTRICTS IMPACTED: District 6

SUBJECT:

Tender and Release Agreement: Animal Care Services Parking Lot Expansion Project

SUMMARY:

An ordinance approving the execution of a Tender and Release Agreement between the Great American Insurance Company (GAIC) and the City of San Antonio accepting funds in an amount not to exceed \$138,464.01 as defined in the agreement for the original construction contract award between the City of San Antonio and All In Construction, LLC related to the Animal Care Services Parking Lot Expansion project located in Council District 6; and authorizing the appropriation of these funds from the GAIC to the Animal Care Services Parking Lot project which is included in the FY 2023 - FY 2028 Capital Improvement Program.

BACKGROUND INFORMATION:

On August 20, 2020, a construction contract was awarded to All In Construction, LLC through Ordinance 2020-08-20-0548 in the amount of \$256,399.39 for the Animal Care Services Parking Lot Expansion project located in Council District 6.

On May 3, 2022, the City of San Antonio terminated the construction contract with All In Construction, LLC because requirements were not met in accordance with the General Conditions

of the contract. As a result of the termination and as part of a Performance Bond issued to the City of San Antonio from the Great American Insurance Company (GAIC) associated with this agreement, the City requested GAIC to pay for damages incurred by the City for work that did not meet contract requirements. The City was required to obtain a new contractor to complete and remedy any remaining project work obligations.

The Tender and Release Agreement will allow the release of the Performance Bond to cover the fund balance between the original contract and the new contractor's proposal, including additional City of San Antonio project management fees.

ISSUE:

This ordinance approves the execution of a Tender and Release Agreement between the Great American Insurance Company (GAIC) and the City of San Antonio, accepting funds in an amount not to exceed \$138,464.01 as defined in the agreement for the original construction contract award between the City of San Antonio and All In Construction, LLC related to the Animal Care Services Parking Lot Expansion project located in Council District 6; and authorizes the appropriation of these funds from the GAIC to the Animal Care Services Parking Lot Expansion project.

On May 3, 2022, the City of San Antonio terminated the construction contract with All In Construction, LLC for the Animal Care Services Parking Lot Expansion project because requirements were not met in accordance with the General Conditions of the contract. As a result of the termination and as part of a Performance Bond issued to the City of San Antonio from the Great American Insurance Company (GAIC) associated with this agreement, the City requested GAIC to pay for damages incurred by the City for work that did not meet contract requirements. The City was required to obtain a new contractor, LMC Corporation, to complete and remedy any remaining project work obligations.

The Tender and Release Agreement will allow the release of the Performance Bond to cover the fund balance between the original contract and the new contractor's proposal, including additional City of San Antonio project management fees.

ALTERNATIVES:

City Council could choose not to accept these funds; however, the City will not be able to cover the contract balance incurred to complete the project due to the termination of All In Construction, LLC.

FISCAL IMPACT:

This ordinance approves the execution of a Tender and Release Agreement with Great American Insurance Company (GAIC) to accept funds in an amount not to exceed \$138,464.01 as defined in the agreement for the original construction contract award between the City of San Antonio and All In Construction, LLC related to the Animal Care Services Parking Lot Expansion project located in Council District 6; and authorizes the appropriation of these funds from the GAIC to the

Animal Care Services Parking Lot Expansion project which is included in the FY 2023 - FY 2028 Capital Improvement Program.

RECOMMENDATION:

Staff recommends approval of a Tender and Release Agreement between the Great American Insurance Company (GAIC) and the City of San Antonio, accepting funds in an amount not to exceed \$138,464.01 as defined in the agreement for the original construction contract award between the City of San Antonio and All In Construction, LLC related to the Animal Care Services Parking Lot Expansion project; and the approval of the appropriation of these funds from the GAIC to the Animal Care Services Parking Lot Expansion project.